

COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

Uniform Construction Code

Special Amusement Buildings

Proposed Amendments: 5:23-2.6, 3.2, and 6.31

Authorized By: Susan Bass Levin, Commissioner, Department of Community Affairs

Authority: N.J.S.A. 52:27D-124

Proposal Number: PRN 2002-

~~Calendar: See summary below for explanation of exception to calendar requirement~~

~~Submit written comments by: February 16, 2003 to:~~

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SUSAN BASS LEVIN
COMMISSIONER

Summary

The proposed amendments clarify the applicability of the change of use provisions to special amusement buildings, including temporary haunted houses and provide standards for the issuance of variations for special amusement buildings.

The proposed amendments at N.J.A.C. 5:23-2.6 and 3.2 state that the temporary or permanent use of an existing structure as a special amusement building is a change in the character of the use of the building and requires compliance with the change of use provisions contained at N.J.A.C. 5:23-6.31. The proposed new rules at N.J.A.C. 5:23-6.31 establish requirements for variations for special amusement buildings.

Because a 60-day comment period is provided on this notice of proposal, this notice is exempted from the rulemaking requirement of N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed amendments would have a positive social impact in that they would establish clear standards for special amusement buildings to ensure the safety of building occupants.

Economic Impact

The Department anticipates that these proposed amendments would have a moderate economic impact. The proposed amendments are intended to clarify the requirements for protecting life safety when changing the use of a building or structure to create a special amusement. On average, the cost of installing a fire suppression system throughout a building is \$5.32 per square foot. Suppression is required for all special amusement buildings. However, the proposed rule does allow for the temporary use of a building without a suppression system as a special amusement provided that other conditions, as specified in the rule proposal, are met.

Federal Standards Statement

No Federal Standards Statement is required because these amendments are not being proposed in order to implement, comply with, or participate in any program established under Federal law or under a State law that incorporates or refers to Federal law, standards or requirements.

Jobs Impact

The Department does not anticipate that jobs would be created or lost as a consequence of the proposed amendments.

Agriculture Industry Impact

The proposed rules make it clear that commercial farm buildings are required to comply with the applicable provisions of the building and fire protection subcodes when used as special amusement buildings. However, the hazards associated with special amusement buildings make the additional protections necessary.

Regulatory Flexibility Statement

The proposed amendments may have an impact on “small businesses,” as defined by the Regulatory Flexibility Act, in N.J.S.A. 52:14B-16 et seq. However, there is no basis for differential treatment of small businesses because these rule amendments are being proposed to protect public safety. The proposal does not include new requirements for professional services or impose any recordkeeping, reporting, or compliance burdens.

Smart Growth Impact

The proposed amendments would have no impact on the achievement of smart growth or the implementation of the State Development and Redevelopment Plan.

Full text of the proposal follows (additions indicated in boldface **thus**):

5:23-2.6 Change of use

- (a) (No change.)
- (b) Change of use: It shall be unlawful to change the use of any structure or portion thereof without the prior application for and issuance of a certificate of occupancy as herein provided.
 - 1. - 2. (No change.)

3. The temporary or permanent use of an existing structure as a “special amusement building,” as defined in the building subcode, shall be a change in the character of use of the existing building. The building or portion thereof shall be required to comply with the building subcode and fire protection subcode requirements of 5:23-6.31(a)5x.

5:23-3.2 Matters covered; exceptions

- (a) - (c) (No change.)
- (d) Rules concerning commercial farm buildings are as follows:
 - 1. - 4. (No change.)

5. A commercial farm building may be used as a place of public assembly for not more than 15 days in a calendar year. For the purposes of enforcing this requirement, a public assembly shall be a gathering of 50 or more people. A permit shall be obtained from the local fire official pursuant to the Uniform Fire Safety Act, N.J.S.A. 52:27D-192 et seq., and the fee for issuing the permit shall not exceed \$75.00 per event.

i. (No change.)

ii. The temporary or permanent use of a commercial farm building as a “special amusement building,” as defined in the building subcode, shall be a change in the character of use of the existing building. The building or portion thereof shall be required to comply with the building subcode and fire protection subcode requirements of 5:23-6.31(a)5x.

6.- 10. (No change.)

5:23-6.31 Change of use

(a) General: The following are of general applicability to changes of use:

1. - 4. (No change.)

5. Where the character of use of an existing building or portion thereof is changed to one of the following special use or occupancy categories as defined in the building subcode, the building or portion shall comply with the referenced section of the building subcode specific to the special use or occupancy regardless of whether a change of use group is involved.

i. - ix. (No change.)

x. Special Amusement Buildings—Section 413.0;

(1) A variation shall be required for the temporary use of a non-sprinklered building that is greater than 1000 square feet in area or has a travel distance to an exit that is greater than 50 feet being used as a special amusement building. As a condition of the variation, in addition to the requirements contained in section 413.0 of the building subcode, a perimeter of twenty feet, suitable for fire fighting ground operations, shall be provided around the building.

(2) A variation shall not be granted for the flame spread and smoke development ratings of interior finish and trim requirements of section 413.0.

(3) For the temporary use of a building as a special amusement building, where a variation request has been submitted, the Construction Official shall consult with the Fire Official as required by NJAC 5:23-6.2(i).

xi. - xiii. (No change.)

6. - 7. (No change.)

(b) - (q) (No change.)